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| 10/731,766 | 12/09/2003 | Reid Edmund Tatge | TI-35556 | 4307 |
| 23494 7590 04/03/2009 TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265 | | | | |
| EXAMINER | | | | |
| WANG, BEN C | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2192 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
| 04/03/2009 | | ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com

Office Action Summary

Application No.

10/731,766

Applicant(s)

TATGE ET AL.

Examiner

BEN C. WANG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/29/2009 and 3/20/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendments dated February 9, 2009 and March 20, 2009 respectively, responding to the Office action mailed November 7, 2008 provided in the rejection of claims 1 and 4, wherein claims 1 and 4 have been canceled, claims 19 and 20 are newly added.

Claims 19 and 20 remain pending in the application and which have been fully considered by the examiner.

Applicant's arguments with respect to claims newly added have been fully considered but are moot in view of the new grounds of rejection – see *Liu et al.* - art made of record, as applied hereto.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory

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action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections – 35 USC § 102(e)

The following is quotation of 35 U.S.C. 102(e) which form the basis for all obviousness rejections set forth in this office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu et al. (Pub. No. US 2004/0064809 A1) (hereinafter 'Liu' - art made of record)

4. **As to claim 19 (New)**, Liu discloses a method of code generation comprising the steps of:

- compiling a source code thereby generating an object file comprising object code and intermediate code (e.g., Fig. 1, elements 104 – Source Program; 112 – Source File; 106 – Compiler 106; [0024] - ... The compiler 106 is configured to translate source files 112 of the source program 104 into intermediate object and object files ... ; Fig. 3, block 302 – Compiler Translates Source File(s) into Intermediate Objects);

- optimizing the intermediate code into optimized intermediate code (e.g., Fig. 2, element 102 – Translator/Optimizer; Fig. 3, block 308 – Linker returns Intermediate Objects to Compiler; Fig. 4C, block 432 – Compiler Performs any Optimizations available in view of Information provided by the Linker; Fig. 5, block 506 – Compiling the Program with the Compiler in view of the Gathered Information so as to Optimize the Program; [0008] – [0014]) ; and
- linking the object file including
 - receiving the object file including object code and intermediate code (e.g., Fig. 3, blocks 312 – Compiler Generates Real Objects; 314 – Real Objects linked together by Linker; Fig. 4B, block 416 – Real and Intermediate Objects provide to Linker),
 - providing intermediate code to be optimized (e.g., Fig. 4C, block 432 – Compiler Performs any Optimizations available in view of Information provided by the Linker),
 - receiving optimized intermediate code (e.g., Fig. 2, element 102 – Translator/Optimizer; Fig. 3, block 308 – Linker returns Intermediate Objects to Compiler; 314 – Real Objects linked together by Linker; Fig. 4C, block 432 – Compiler Performs any Optimizations available in view of Information provided by the Linker), and
 - producing executable code from the object file including object code and optimized intermediate code (e.g., [0049] - ... the real

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objects are linked together by the linker 108 to produce an executable program as indicated in block 314)

5. **As to claim 20 (New)** (incorporating the rejection in claim 19), Liu discloses the method of code generation wherein:

- said step of providing intermediate code to be optimized provides only portions of the intermediate code (e.g., Fig. 3, blocks 308 – Linker returns Intermediate Objects to Compiler; 312 - Compile generates Real Objects; [0049] - ... the linker 108 returns the intermediate objects to the compiler 106 ... Once this feedback has been provided to the compiler 106, the compiler completes the translation of the intermediate objects to generate real objects, as indicated in block 312; Fig. 4C, block 432 – Compiler Performs any Optimizations available in view of Information provided by the Linker; Fig. 5, block 506 – Compiling the Program with the Compiler in view of the Gathered Information so as to Optimize the Program;)

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben C. Wang whose telephone number is 571-270-1240. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ben C Wang/

Ben C. Wang

Examiner, Art Unit 2192

/Tuan Q. Dam/

Supervisory Patent Examiner, Art Unit 2192